P.F 43 of 96

G. R. S. IX-5]

Previous references. 1895–96

~~192~~

(L. R.)

File No. 12 5 of 95

Serial Nos. 1 6 5

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

N. ~~Part~~ B for January 1897

SUBJECT.

Appeal of Kanwerun a Shahbaz Jumeedar of Sumundhalli Taluka Nawanagar against Talukdar's decision.

WD 2233—GPB—20,000—14-6-20

The Sheristdar of Ramnad

(1) W.1/94 3-9-85 Ramasingiah Sahib reported to the Amildar that Virani Venkamma-Shanbogue Gumasta of the Ceylonese of Sumrahally, Poogumahally Kaveripanakoppa, Koteiyinimahalli Deshapande Kuruppalli Veerabhadhally died. The Amildar directed the

4-9-85 Sheikdar to report who the Hukdars were & to send them & the deceased's heirs before him. The Sheikdar

25-9-85 reported Comphimee. The eldest son of the deceased Ramanna petitioned

(2) W. 3/94 26-9-85 the Amildar requesting that as agreed upon between himself & the Hukdars of the Shanbogue Gurappa & hereditary he might be ordered to do the duties of Gumasta

(3) W.4/94 26-9-85 on their behalf. A statement was also given by them before the Amildar to the same effect. The Hukdars-

26-9-85 Gurappa & hereditary gave their Consent to the proposed arrangement in writing

a/

The Amildar submitted petition & the Dep.y Commissioner sanctioned the appointment as Gumasta of petitioner Ramanna. 25-11-85 & 3-12-85 No 1704

In 1885 the Sukdars of Surapa & Darapa complained of the Talak Chekkery of high handed proceedings of their Gumasta Ramanna and prayed for his removal. The petition was referred to the Sheristadar who reported that the charges against the Gumasta did not appear to be true, that one of the Sukdars Surapa had died & that the remaining Sukdar could not be examined on account of his residence in the Inalbagal Taluk. The Inalbagal Amildar was there. 14-10-88 10-5-89 22-5-89

upon requested to examine Surapa, the Amildar complied with the request & sent in the Sukdar's statement that he was unwilling to return to Ramanna in the Gumastaship. The Ramdapur Sukdar was absent on tour & Ramanna had been appointed Gumasta. In spite the Sheristadar 18-10-89 19-11-89 30-11-89 No 693

the duties of Stamboprei themselves

The Amildar, after some

inquiry which does not appear

to have been recorded, reported the

matter to the Deputy Commissioner recom-

(21) R 25393 . 25-3-95 mending the granting of the request

of the Amildars about after

as desired by them. The

the Stamboprei themselves, the

Deputy Commissioner ordered the

Amildar to submit certain par-

-ticulars in regard to the Jemaste

29-3-95 as to when he was appointed,

under what orders & under what

conditions. The Amildar replied that

16-4-95 on the death of Venkatrao the late

Jemasta a report was submitted

in 1885 & sanction obtained as

per DC Lemmi's order in 1886 to the

appointment of the Jemasta's sheri

(Venkatrao)

of his son Ramanna. The DC

finally directed the matter to be

8-7-95 placed before him at the Jamabandi

In reply the Amildar solicited

attention to his letter dated

that a sum of about Rs. 10 was
having been found to
be due by Government from
the village of which Ramanna
was Jamadar, the Jamadar
declined to pay it & whereupon
the Bukkadars came forward
& paid it up & had the
Kanbopreis Register of the three
villages & delivered them by
the Jamadar. The Amildar then
again asked Bhau the matter
before him at the Jamabandi.
The Amildar hearing done the
the Defts Counsel passed his
final order on the subject,
remarking that Ramanna from
his Jamadar's duty on the
ground of his failure to make up
the deficiency & deceased
in the village in this charged
& because the Bukkadars
had complained against him
of a breach of the reference

23-12-95 No 4293
(21)

A statement to this effect was obtained from them 12-12-95 No 4453 (23)

28-12-95 No 5 of 3
(24)

7-1-96

10-2-96

7

the contract of 1886, and authorizing the Builders to name another Gumasta within a period of 15 days.

Submitted

BBR

13/11/96

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Submitted

Preers

Of Documents

Connected with the Estate

of Ramasawmy late Mandigar

Gramatta of Sumadelly

dec^d Bourbingsiel Talook

1809.

13/11/96

4. The Kalidas Shanbhog of this circle were Gurappa Jonda and his cousin Nanappa of the Vakkaliga caste. They were notable to write up the village accounts themselves and were further living in the village of Bilguli in the Dharwar District. Accordingly they appear to have got the duties performed for a long time by Gumastas.

5. The petitioner's father Venkanna is said to have held the office of Gumasta for about 40 years from Kilalca. In 1876, there was a dispute between the Gumasta and the Kalidars, and the then Dy. Commr. stated that as none of the kalidars was competent personally to discharge the duties, ~~that~~ the Gumasta who was then doing duty could not be removed without cause, that the said Gumasta should

the permanent and that Mirasi should be paid to him. Venkanna accordingly held the office till his death in September 1885.

6. On the death of Venkanna, his son, the present petitioner, sought the protection of the hakdars, who obtained a registered deed from the petitioner, and nominated him as their Gramasta in succession to his father. The terms agreed upon were:—

(1) That the hakdars should themselves take the Mirasi, but pay petitioner Rs 39 annually by the 2nd of March,

(2) That collections should be made in the presence of the hakdars,

(3) That accounts should be written up and other duties performed in accordance with the wishes of the hakdars, without any reason for complaint

complaint and

(4) that in default the petitioners should be at liberty to remove the petitions from the Office,

7. The commutation of petitions as granted as above, was approved by the Governor on the 20th December 1885. In October 1885, the petitioners prayed for the removal of petitions on the ground that he was making collections independently of them and that the reports were bringing frequent complaints of various irregularities against him. The enquiry instituted continued up to 1890. 200 irregularities were brought home to the petitioners. The petitioners urged that he had received only one years pay, but admitted he had received more (200)

for 12 years. The Mukhtars urged that nothing was due to him and as he had recovered Rs 80, and that the practice of recovering fees having been since abolished they could give petitioner only Rs 20 per annum in future. The Amildar effected a compromise. The Mukhtars agreed to pay, and petitioner agreed to receive Rs 30 per annum. The Mukhtars stated in their depositions that petitioners duty was only to write accounts and that they would be present personally at collection and other times and attend to those duties. Petitioner promised to give intimation to Mukhtars of collection-time, sale and Huzur Jamabandy time, Amrayi sale time, Kulbarni sale time and of other urgent calls, to send for his principals on such occasions and transact duties in accordance with their wishes. The parties stated that

he would be responsible to
Govt in regard to any arrear
of the village till then (ಗ್ರಾಮದ
ಕಂದಾಯದ ಬಾಕಿ ಯಾವುದಾದರೂ ಅಲ್ಲಿಯವರೆಗೆ
ಯಜಮಾನನಾದ ನಾನೇ ಸರ್ಕಾರಕ್ಕೆ ಜವಾಬ್ದಾರ
ನಾಗಿರುತ್ತೇನೆ ————)
This arrangement was approved
by the Assistant-Commr on 2d
December 1870.

8. In 1871, Petitioner complained
that the Halikars interfered
with his taking the Deposit which
he had recovered prior to the
above settlement and deposited
with the Patel. The enquiry
into this complaint continued
upto 1874. The Halikars
denied the deposit and said
at first they would pay Sisara
as agreed, but subsequently
urged they would not pay
anything as Petitioner had
recovered Sisara annually.
The Petitioner wanted Potigi
from date of settlement and
Sisara before that. The

Auditors ordered that the Auditors should be informed that if they failed to pay Petitioner what was due, steps would have to be taken by Court for payment. The Sheriff reported on 16th January 1894 that reference should be made to the Mallaig Saloon as the Auditors were residing there. On 12th August 94, Petitioner repealed his complaint by a petition to the Depty Commrs, which was forwarded to the Auditor for disposal. He claimed therein pay from 1886.

Q. In the meantime i.e. on 3rd March 1894, a complaint of unauthorized cultivation was preferred against the petitioner by one Macaulay, and this was followed by a petition from the Auditors, dated 10th August 1894, praying for the removal of the petitioner on the ground that

17

that he was irregular in making remittances, that he was guilty of unauthorized cultivation vide Q. The ryots gave evidence as to unauthorized cultivation and the Shekdar submitted a report unfavourable to petitioner. Petitioner urged that the ryots had been set up by the Halidar Shanbhag. There was however unauthorized cultivation to some extent not brought to book. Petitioner's brother Subbanna took the responsibility upon himself and pleaded his ryots' ignorance. The matter was placed by the Amildar before the Jamabandy Officer in a Jabtas Jabitha, but the Jabitha and the order thereon are not in the file.

As regards the irregularity in making remittances, the Shirastedar of the Taluk, as Amildar in charge, recorded his observation, on 10th Sept 194, that since the last two years

the petitioner had shown a disposition to evade appearance at the due time on the occasion of last Khist and had caused obstruction to work.

12. While this was going on, a deficiency (5/16 annas) of Rs 107-4-3 in respect of which was discovered with reference to the villages forming this circle. There is nothing to show that any formal notice was issued to petitioner calling upon him to pay the amount, but ~~there is no doubt~~ as admitted by him he was asked to pay ~~mentioned about~~ it. In his deposition dated 12th December 1895, he stated that the Kulkarni might themselves pay the Kasarbatki and look after the Shanbhogi duties. The Kulkarni paid the amount and were given charge of the Shanbhogi duties.

13. When questioned about the application of the Kulkarni for his removal, the petitioner said in a

deputation given in August
1874 that the Govt might pass
such orders as they deemed proper
after taking the qualifications
of the Halékars into consideration,
and claimed arrears of pay
from 1836 at ~~Rs~~ 5 ℄ per measure,
but when examined in December
1875, he made no reference to
that claim and said that his
brother Krishnappa whom the
Halékars named might do
the duties. He at the same time
voluntarily gave over possession
of some of the accounts to the
Halékars and took a receipt.

14. The Halékars however
changed their mind and
refused to have petitioner's brother
as their gumasta. One
Sechagiri Rau, a neighbouring
Shanbhog was elected, to do duty
temporarily for two years

15. The petitioner when required
to give over charge of the other
accounts, refused to give them

9 K

first on the ground that arrears of pay was due to him, and then on the ground that the result of his appeal should be awaited. The Dy: Commissioner ordered the issue of coercive processes. In the prayer portion of his appeal to Government, he has not asked for any order in regard to the arrears. He asks for reinstatement to the office

Subt for orders with papers

10/12.

Recd 6.20 Pm.
10/12/96

L.R. 126 of 95-1

1896

No. 3677

Name of Petitioner, Ramappa Hanbagee Jamkhandi

Village, Hiranakalli &c

Taluk, Bailhongal

District, Belgaum

Date of Arzi, 8.6.96

Date of Receipt, 7.6.96

Date of Disposal,

No. of Enclosure, 2

ABSTRACT.

of Bangalore ~~&~~ according ~~to~~ to Capitulation was registered.
The petn dated 24th Oct. who did work as Servant for 4 yrs from Feb. 1881 to Feb 1885 till then the Landlord engaged another registered in the name of the petr who has been doing the duty.
Within the petn period viz in 1885, the respondent Patter Surappa who was then Registrar agreed to pay the petr 3 as per year for doing the duties of the Manager, viz to diminish the enjoyment of the Minars of the Dharmadhikari, & kept up the agreement for one year by keeping the above amount & has been getting of equal amount of the salary of the last 3 years commencing at the same time the province of the Dharmadhikari was 5 years ago. The Dharmadhikari has not been paid his Bhatta - The respondent has been ~~doing~~ ~~the~~ duty from the province of the Dharmadhikari - The petr has been doing the duty from the Bhatta ~~duty~~ but the Bhatta ~~of~~ the Bhatta some time in future.
There was a balance of 10 000 Rs in all for the whole Taluk for successive years from the year dated & as there was no possibility of ascertaining the amount due from the different villages, the balance was distributed over every village.
In this a sum of Rs 109 fell to the lot of the petr on account of his 3 villages & he was deemed for the amount
of the unenumerated petrs being unable to pay the said amount preferred ~~for payment~~ to the Shanbhag to pay the same from the 9 years salary due to the petr. The respondent intent except to recoil & intending to misappropriate the said salary tendered Rs 109 & just in a complaint petr stating that the petr does not do his duty properly. On this the Dy Commr dismissed the petr without any enquiry & ordered the dismissal of the petr from the Inamdarship & the petr has filed this suit for 3 years. The said order is against justice & the rules framed.
(1) The Dy Commr has stated in his order that the petr has not acted to the agreement entered into in 1885 between the Shanbhag & the petr. But the Dy Commr has not clearly stated wherein the petr went against the agreement. The petr is ready to prove that he never acted against the agreement but is there any proof that the petr has done so. On the other hand the respondent has broken the agreement in not paying the petr his salary.

(2) It is stated in the order that the balance of Rs 109, being the difference that was found to be due from the village since the year Dundi when the petr & his father were doing the duty, was not laid to the petr's charge as the respondent paid it. The petr has not embezzled any part of the Govt money which he may have collected from the villages of which he was Shanbogue / nor is there any proof that he did so - The petr has never been found fault with / nor any enquiry on such a charge has been set on foot. The fact is that the balance of the whole Palick was distributed over every village & a notice was given to the Shirkdar Shanbogue to make up the amount. While no such notice was issued to the petr. On this notice the Shirkdar paid the amount out of the petr's salary due by him to the petr. While there is such a set off there is no fault with the petr & his dismissal is therefore wrong.

(3) The Registerdar, the respondent's father, died 5 years ago. His son, the respondent is 30 years

for his removal. Therefore the
said Ramanna is dismissed
from the Shanbogue Punnastaship
of these villages - The Patelar
had prayed that his Ramanna's
brother Krishnappa should be appointed
instead - Before this could be sanctioned
the Patelar states in his petition dated
Sally that Krishnappa & Ramanna
have been living jointly, Krishnappa
cannot be trusted & he (Patelar) would
appoint another - Therefore Krishnappa
cannot be appointed against
the wishes of the Patelar - & the
Registership should be done, his
son Venkataramanabba should
be made the Registership & till
he is qualified to work after
the Patelar himself select
one of his own men competent
for the Punnastaship - Report
on his (Punnastar's) fitness for the place
Also issue a notice to the Patelar
that if a competent Punnastar
is not proposed within 15 days
a Punnastar will be appointed
by the Circar - If Notice is
not obeyed report for the appointment
of a competent man - The
petitions presented by Narappa
& Venkataramappa & Jonn
report are herewith sent
along with the records of the case

C.S.K.
18.5.96

Order No. 2881 of 23/5/96 is as follows -

If any of the Patelars does not give consent

have appointed him. But I think none
of them is capable of discharging the duties
of the office, and as there is no use of appoint-
ing any of them as Shanbogue. The Punnastar
Punnastar cannot be removed without sufficient
reasons. He will continue as Punnastar
and all the privileges & rent to him.

In the matter of the abandonment of Lucas Ramanja to the Municipality of Nauloposina the Magistrate of Savaii is hereby directed to enquire into the circumstances under which the said Lucas Ramanja was abandoned and report thereon to me as soon as possible ——— (Order) Ramanja has not only been a frequent offender but has also specially signed an agreement dated 24th Oct. 1895 to serve there for one year from date as he did not abscond from service as he did not abscond from the terms of the agreement but as he is not ——— bail

Your (our) Worship(ful) also report that the balance of £3.09 due from the village could be recovered from him but has to be ~~obtained~~ from the sureties

Your (our) report No 850 of 23.12.95 also says that Ramanja has absconded leaving five months arrears of charge (taxation) to the Tulafale The Tulafale has dismissed him from service for his default in not paying the balance due from he was formerly in the Tulafale service of, says

from the year that he was he + his father were living in duty

(4) ... he is unfit to do duty as he cannot write (illiterate).
While so the Dy Commr has ordered the name of the respondent to be Registered & issue notice to the Shareholder to appoint another Gumasta to do duty till he is qualified. It is apparent from this that it is wrong to deprive the petr & to appoint another instead as Gumasta.

(5) A copy of the order of the late Dy Commr No 288 of 6.8.96 is herewith enclosed for perusal wherein it is stated that the petr's father shd not be deprived of the Gumastaship & that he must be permanent Gumasta & that he shd be given every chance to due for doing the work. This order arose when the Registered, the respondents father refused to pay the salary due to the petr's father who was Gumasta.

(5) While this order of 1896 is in force the Dy ~~Engineer~~ Commr is wrong ~~Commr is explicit~~ in upsetting it without orders from Govt.

The order of the Dy Commr herewith produced is an extract from the diary of the orders given to the Shareholders in the Dy Commr's. The following is the translation of the above extract of the order No 729 of 10.2.96.

Gen. 31.]

L.R. 126-95-3

Gl. No. 2760
Le. No. 225
1896 22 OCT. 96
DEWAN'S OFFICE.

From

To

The Secretary to the Government
Dept. of Mines.

Dated 21st October
Despatched 22nd
Received
General No. 1514
No. 403
Enclosure No. 1 file

Submitting entire proceedings regarding the criminal charge against Sinja and stating that the services of the petitioner were dispensed with and another engaged, on whose appointed as Jamadar in his stead.

Submitted with three of the Proceedings in the Criminal Case against Sinja

RBR
13/11/96

Pete
26.10.96

Rec'd 26/10

Rec'd 26/10

Submitted

Kolar Deputy Commissioner's Office
Dated 9th October, 1926.

To

The Secretary to the
Government of Mysore
Revenue Department

Sir,

Adverting to your official memorandum No: $\frac{Rev}{2022}$ dated 2nd June 1926 forwarding for report a petition from Channana late Shanbhog Gundala of Kumarakally and the villagers of the Bennigapet Table, appealing against the order of dismissing him from the said office, I have the honor to submit herewith as per accompanying Serial the proceedings connected with the case.

2. It will be observed from the same that Sri Narasipa and his nephew Venkatarama-raju are the registered Shanbhogs of the villages in question and that on the death of the former and Sri Narasipa the late father of the latter, the Petitioner was appointed officiating as their Gumasta, in 1885 on the terms of his late father's Kaulnama the previous Gumasta

3. During the examination of the accused

with

with a view to the appointment of certain auditing balances of returns which remained unaccounted for in the said accounts and were traced to the hands of persons connected with the said charge and were called upon to make good the same during the life time of the Shaukhs found similarly liable but who failed to comply with the requisition.

4. The Mahajans represented the duties of the registered Shaukhs and said that they might pay up the amount under demand and make the arrangements for the performance of the duties of the Shaukhs. The above-mentioned charges and representations respectively were duly placed before the Government Darbar and it was decided that the Shaukhs should remain responsible for the completeness and for having safeguarded the interests of the Government and should be called upon to make good the losses which were found to be due to acts of

Confusion. (4)

5. The Services of the Petitioner in the aforegoing circumstances, dispersed with and without Sheriffs not particularly specified, registered Letters expenses as general in this place.

6. The Inclosures of your Memorialists Letters.

Dear Sir,

Your most obedient

Servant

Petitioner

Solicitor

Dublin

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT.
RECD. NO. 3679.
DATE

3679

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5

6.

(1)

(2)

(3)

Lahore dated the 4th Aug. 97

L.R. 126-95-4.

(1)

Read

(1) Letter No. 3670 of 18th Sept. 96 from Ramanna Rai Mandlo Sirasta of Amandala Dist. Lahore complaining of non-payment from the office of Sirasta

(2) Letter No. 16.4/403 dated 19 Sept. 96 from the Lambardar Kotar Dist. Lahore relative to the petn. & submitting the records of the case.

Send: Vernacular records (1221)

(Clerk's the records which were very much damaged)

Order No. 6902 of 29.1.97
in 43-96

The case of the petn. having noted a fortnight in advance to hear, confirmed no lien on petn. who, on his father's death, was employed by the Lambardar Khanbhoja as their accountant merely to keep them in order up the accounts; and in the circumstances of the case the removal of the

250

Petr at the instance of
the landlord was justified
and petr has no valid
ground for complaint. In
fact the petr is reported
to have, when questioned
about an item of Kasar
bâki, voluntarily given up
the ~~appeal~~ instrument and
delivered his letter to
the landlord. There is therefore
no ground for interference
& the petition is rejected.

It is noticed that the
landlord resides in a different
Taluk and have for nearly
50 years past been getting ~~the~~
~~material portion of~~ their
work done by ~~puse~~ a peasants.
The attention of the Inspector
is invited to the instructions
contained in para 2 of Govt
Mo: No 403-97-1 dated the 22nd April
1897 to the effect that no person
should be allowed to act as agent
to more than one landholder
but should confine himself to the
duties of ~~his~~ his office as
stated in the above instructions.

+ Printed in
Gazette

9 Dec 1-97
29-Dec

Mad
29/11/97

To the Inspector of Kolar Unit Mysore

L.R. 126-95